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sparta01.005

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(sparta01.005)

Applicant: Flam
Application No: 10/036,591
Filed: 11/7/01
Paper No.: N/A
Group Art Unit: 2176
Examiner: Robert M. Stevens
GAU FAX: 703-872-9306

Title: *Graphical User Interface for Automated Process Control*

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Assistant Commissioner for Patents
Washington, DC 20231

Response to a final Office action under 37 C.F.R. 1.116

Summary of the prosecution

Applicant received a final Office action mailed 6/2/2005 in the above application in which Examiner rejected claims 1-19 currently in the application under 35 U.S.C. 103(a) as obvious over the combination of the Texier and Schultz references. Applicant's attorney requested a telephonic interview in the application. Examiner graciously granted the request and the interview was scheduled for July 7, 2005 at 2:00. In order to increase the efficiency of the interview process, Applicant's attorney provided Examiner with a copy of the arguments Applicant's attorney intended to make prior to the interview. Those arguments form the basis of the present response.

Traversal of the rejection of the claims

Requirement of a prima facie case

In order to reject a claim under 35 U.S.C. 103, Examiner must make a *prima facie* case of obviousness. As set forth at MPEP 2142, to establish the *prima facie* case, Examiner must show the following:

First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a

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57 Central St., P.O. Box 782
Rowley, MA, 01969,
Registration number 30,093
Voice: (978) 948-7632
Fax: (866) 723-0359
7/7/2005
Date

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on 7/7/2005
(Date)

Gordon E. Nelson, #30,093

Gordon E. Nelson

(Signature)

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Dear GAU 2176 worker:

Re: USSN 10/036,391, Flam, *Graphical user interface for automated process control*, filed 11/7/01,
my docket sparta01.005

Attached is a response to a final Office action in the above patent application. Please forward it to Examiner Robert M. Stevens of GAU 2176 immediately.

Sincerely,

Gordon E. Nelson, #30,093,
Attorney of record